

TO: Representative Roy Takumi, Chair
Representative Della Au Bellati, Vice-Chair
Members of the House Education Committee

LATE TESTIMONY

FROM: Sharon Nagasako

DATE: Wednesday, March 21, 2012 2:00 p.m.
Conference Room 309

RE: Testimony SB2994, SD2 Relating to State Libraries (SUPPORT)

Thank you very much for the opportunity to speak in support of SB2994, SD2. My name is Sharon Nagasako and I am a volunteer with the Friends of the Aina Haina Public Library.

First of all, I would like to thank Representative Takumi and this Committee for granting a Hearing to allow the public to speak on legislation which focuses on how Hawaii's public libraries can be most effectively, efficiently, and maximally supported.

When the book sales conducted by the Aina Haina Friends unpaid volunteer group were declared "illegal" by the Friends of the Library of Hawaii (Big Friends), well over a year ago, we were aghast. After we got over our initial shock, our little book dusting crew went straight to work trying to find out what we had done wrong and then correct it. What we discovered is the reason we are here today.

We learned that the reason our book sales were labeled "illegal" was because of a 2010 Memorandum of Understanding (MOU) that the State Librarian has with the Big Friends that is based on HRS 312-3.8. This partnership gave the Big Friends "exclusive rights" to sell books on State property. So unless we "chose" to become an Affiliate of the Big Friends, our "illegal" book selling status would remain.

Hoping to legitimize our book sales, we met with the State Librarian a year ago to request an MOU with us just as he did with the Big Friends. But it did not matter that when we approached the State Librarian with our request for exemption, that the Aina Haina Friends was a 501(c)(3) non-profit, tax exempt entity, which paid taxes on time, and which the State Librarian himself said that our group was doing an exemplary job of running an efficient operation all on our own. All he could do was say that he was just following the law, and once again, refer back to his MOU with the Big Friends and HRS 312-3.8 which gives the Big Friends "exclusive rights" to sell books on State property.

Consequently, due to the "law of the land" being impressed upon us, and with no other options (aside from giving up our autonomy and our freedom to choose whether or not we want to affiliate with the Big Friends) we reluctantly decided to go the legislative route which would involve amending the current law which will allow qualified 501(c)(3) organizations to raise funds on State property for the purpose of supporting a designated library or libraries. As we all know, this has been no easy task, and I assure you that if there were an easier and correct way to solve this problem we would have chosen it.

For those who loudly proclaim that the Aina Haina Friends were offered an MOU and we rejected it, allegedly showing that we are being selfish and unwilling to cooperate, I offer this explanation. Last month, almost thirty days after this library legislation was introduced, the State Librarian offered the Aina Haina Friends an exemption from the MOU he has with the Big Friends. But there was a problem...the State Librarian didn't know whether the MOU which expires in June 2012 will be rewritten, whether the MOU will be extended, or even if it would be legal for the MOU to allow an exemption for an independent 501(c)(3) entity. We were further informed that answers to these questions wouldn't be available until after the 2012 Legislative Session ended because the Attorney General's office was too busy to work on such matters. Obviously, with such uncertainties involved, we did not accept the MOU offer.

And yesterday, the Big Friends offered the Aina Haina Friends a contract based on the authority given by the MOU. And sadly, it is the same MOU that will expire in June 2012.

Just recently, one legislator pointed to the set of HRS books in his office and solemnly informed us that our only permanent resolution to our problem would be to have the library issue addressed in Hawaii Statute. Anything else will either be a temporary fix or will only bring us back to where we started - "illegal."

This bill is not just about libraries. By voting in support of SB2994, you will be supporting everyone's freedom of choice, a fundamental right that should not be overlooked.

In the words of John F. Kennedy, "Conformity is the jailer of freedom and the enemy of growth." The Friends of the Aina Haina Public Library stands proudly in favor of growth for all of Hawaii's libraries.

Thank you very much.

Sharon Nagasako
Honolulu, HI

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 21, 2012 1:32 PM
To: EDNtestimony
Cc: sgd8@hawaiiantel.net
Subject: Testimony for SB2994 on 3/21/2012 2:00:00 PM

LATE TESTIMONY

Testimony for EDN 3/21/2012 2:00:00 PM SB2994

Conference room: 309
Testifier position: Oppose
Testifier will be present: No
Submitted by: Susan Dursin
Organization: Friends of the Library Kailua-Kona
E-mail: sgd8@hawaiiantel.net
Submitted on: 3/21/2012

Comments:

Thank you for considering my comments.

I have been a supporter of libraries and especially of the Friends system for many years. It seems perverse to me to take a system that has been successful, that has involved a great deal of public participation, and decimate that system. Please do not enact this bill.